

customer has completed the purchase. With respect to claim 40, it was mentioned that the certificate serves as a receipt wherein the receipt is sent to the customer. Concerning claim 41, it was pointed out that the code applied to the product is related to the product in order to identify the rewards earned by the customer, and that the evidence (certificate) is not sent to the customer until the purchase is completed, which indicates that the evidence remains invisible to the customer.

An analysis of Schultz and in particular its "SUMMARY OF THE INVENTION" makes it clear that Schultz discloses a rather complicated reward system which involves considerable investments when put into practice:

1. First, every consumer has to be provided with an individual "member identification card" (column 4, lines 65, 66), which means that these cards have to be produced, the necessary data has to be stored on these cards and the cards have to be mailed to the consumers.

2. For obtaining such a card, it is of course necessary to first apply for the card, i.e. for membership in the reward system. This requires the consumer to send a corresponding request to a marketing firm (column 5, line 27) which is running the program.

3. A code stored on the member identification card has to be read or manually entered at the check-out counter at the time a product is purchased (column 4, line 66 to column 5, line 4), which is time-consuming for the employee at the counter as well as for the consumer.

4. The software and/or hardware of the check-out counter has to be modified or adapted so that it can read the code stored on the member identification card. This makes it nearly impossible to put a system according to Schultz into large-scale practice because of the resulting startup costs that must be incurred which can render the system prohibitively expensive for the contemplated purpose.

The present invention avoids all four of the above disadvantages, as no member identification card, no reading of a code at the time of purchase and absolutely no modifications of check-out counter equipment and/or software are required.

According to the invention, each completed purchase gives the consumer access to a **unique code** related to the product or service purchased. A UPC code (see column 7, line 53 of Schultz) is not a "unique" code, as one and the same code is used for each and every sample of a given product or service. For example, every Coca-Cola Six Pack package carries a same first UPC code, every Mars bar carries a same second UPC code, every Camel Lights package carries a same third UPC code, etc.

Employing a **unique code** as is recited in independent claim 39, however, means that there are no two Coca-Cola Six Pack packages, no two Mars bars, no two Camel Lights packages, etc. on the market which carry the same code. Each single product has a unique code which is not used on any further product. This applies also to a series of products of the same kind.

Consequently, Schultz does not teach or in any form suggest employing a **unique code** as is recited in claim 39.

Furthermore, claim 39 of the present invention requires that the customer is given access to the code only after completion of the purchase. In contrast, UPC codes on the products are necessarily seen before the purchase, i.e. when the product is still on a shelf in a store, and the customer has access to it before he purchases the product.

This is a significant difference to the invention, as only the uniqueness and the invisibility of the code before the purchase make it possible to work without member identification cards and without modifications of check-out counters.

The codes according to the invention can be transmitted by the consumer himself via the Internet - without any involvement of the check-out counters - to a processing station and the consumer can - as a result of his knowledge of the code following the purchase of the product - prove that he purchased a special product because without having purchased it he would have no knowledge of the code. The processing station can - without human intervention - check whether the transmitted code is valid and, if affirmative, store a value to the consumer's account.

Accumulated values can then be redeemed via Internet by ordering products via Internet, by using special Internet services for free which are usually not free, etc.

Consequently the whole reward system according to the invention as recited in independent claim 39 can be operated with a program organizing the Internet communication and by the consumer using this program. It is only necessary to, for example, print the unique codes on the product packages, a task which with today's printing technology requires only minimal efforts as compared to the required modification of check-out counters and issuing member identification cards required by Schultz.

In view of the above it is clear that Schultz neither discloses nor renders obvious the claimed invention.

This also applies if Schultz is combined with the disclosure of Small, which does not supply what is missing from Schultz relative to the present invention as recited in the claims. Small only discloses "an interactive consumer product method and match game" utilizing the Internet as communication medium. It does not refer to rebates received by consumers for purchases. It only discloses giving rebates to people who played the game according to Small and who won rebates by playing that game. These rebates can then be used for purchasing products.

Small, like Schultz, does not disclose or in any form suggest to apply a **unique code** to each product and to prevent the customer from viewing the unique code until after he made the purchase, all as recited in independent claim 39.

Hence, Schultz and Small, taken singly or in combination, neither anticipate nor render claim 39, and claims 40-42 depending therefrom, obvious.

Thus, pending claims 39-42 are allowable over the prior art in general and the Schultz and Small references in particular.

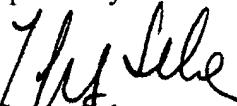
In view of the foregoing, applicant submits that this application is now in condition for allowance. The issuance of a formal notification to that effect at an early date is requested.

PATENT

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If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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